THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No.20586 of 1995

Dated: 22.09.2006

Between:

S. Ganga Bhavani

… Petitioner

AND

Girian Cooperative Corporation Limited,
Rep., by its Managing Director,
China-Waltair, Visakhapatnam.

… Respondent

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P. No.20586 of 1995

ORDER:-

In this Writ Petition the petitioner sought for two reliefs viz., to continue the petitioner in service as Measurer-cum-Watchman (MCW) in the respondent – Corporation and to pay all the terminal benefits, which were due to her husband, who was an employee of the respondent – Corporation.

Under the interim directions granted by this Court on 13.09.1995, the petitioner is being continued in service. As regards the payment of terminal benefits, it is represented by the learned counsel for the petitioner that a sum of Rs.94,100/- was paid to the petitioner towards the provident fund payable to her husband on 25.08.2002 and that some more amount is liable to be paid towards the balance terminal benefits of her husband.

It is fairly conceded by Sri Sridhar Reddy, learned counsel for the respondent, that if any further amount is liable to be paid, the respondent – Corporation will immediately settle the same.

With respect to the relief for continuing the petitioner, a counter-affidavit has been filed by the Vice Chairman and Managing Director of the respondent – Corporation in which it has been stated that the petitioner was removed from service vide proceedings

Rc.No.2030/87.AIIc, dated 11.09.1995 and that as she refused to acknowledge the said proceedings, they were sent through registered post, which were also returned undelivered to the respondent.

This averment in the counter has not been denied by the petitioner by way of any rejoinder nor the learned counsel for the petitioner is in a position to controvert the same during the hearing.

In view of the undisputed fact that the petitioner's services were terminated as far back as on11.09.1995, the relief of a direction to continue the petitioner cannot possibly be granted in the present writ petition. If the petitioner so chooses and advised, it is open to her to take appropriate steps to challenge the said order of termination, dated 11.09.1995.

With the above observations, the writ petition is disposed of. No order as to costs.

C.V. NAGARJUNA REDDY, J

Date: 22.09.2006
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